

Remarks

The application has been reviewed in light of the Official Action mailed October 7, 2005. Claims 1, 3, 5 and 9 have been amended. Claims 10-14 and 21 have been withdrawn. Claims 15-20 have been cancelled. Claims 1-9 are pending in the application.

No new matter is introduced by the amendments. The amendments correspond to matter previously claimed.

Applicant acknowledges that the Examiner considers claims 2 and 8 to contain allowable subject matter. Further, Applicant acknowledges that the Examiner considers claims 3-7 and 9 to contain allowable subject matter if written to overcome the 35 U.S.C. 112, 2nd paragraph, rejections.

The Examiner objected to claims 3, 5 and 9 for having PCD in parenthesis. Claims 3, 5 and 9 have been amended to address to the Examiner's objection.

The Examiner rejected claims 3-7 and 9 under 35 U.S.C. 112, second paragraph, for being indefinite. Applicant, has amended claim 3 to clarify that "drivingly connected" is directed "the adjustment shaft."

The Examiner rejected claim1 under 35 U.S.C. 102(e) as being anticipated by US6,552,533. As amended, Applicant respectfully submits that claim 1 is not anticipated by this reference because claim 1 requires a first code part rotated continuously by the adjustment shaft and comprising a code wheel, and a second code part comprising a sliding part in the form of a code rack which is moved in a linear fashion. Based on the amendment made to claim 1, Applicant respectfully submits that claim 1 is condition for allowance.

US6,552,533 does not anticipate amended claim 1 because this reference discloses a first moving part 3 with sensor and a second moving part 13 with sensor, each of which move about their own axes of rotation. (col. 3 l. 59-65). The rotation of these moving parts is driven by a shaft 1. Id. Amended claim 1, on the other hand, is directed to a first code part that is rotated and comprises a code wheel and a second code part that comprises a code rack that is moved in a linear fashion. Since US6,552,533 does not disclose a second moving part that is a code rack that moves in a linear fashion, Applicant respectfully submits that US6,552,533 does not anticipate amended claim 1.

Further, it is respectfully submitted that there is no suggestion or motivation to modify this reference in accordance with the claimed invention. This reference is directed towards reducing the errors in measurement of rotating position sensors. (col. 1 l. 52-55). US6,552,533 discloses the use of "resilient, elastic tensioning bars" to press rotary position sensors to a rotary shaft. (col. 2 l. 3-8). US6,552,533 does not suggest the use of code parts other than rotary position sensors, nor the combination of rotary position sensors with any other type of sensor. Thus, one skilled in the art would not be motivated by this reference to utilize a first code part rotated by an adjustment shaft and comprising a code wheel, and a second code part in the form of a code rack which is moved in a linear fashion. As a result, Applicant respectfully submits that amended claim 1 is not obvious in view of US6,552,533.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims currently pending in the application are now in condition for allowance. Reconsideration and notice to that effect is earnestly requested.

Respectfully submitted,

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